

**IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
JONATHON C. WEBB, M.D.,)
)
LICENSE NO. 15988)
)
Defendant.)

APR -8 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 10-12-4142

CITATION

YOU ARE HEREBY NOTIFIED that on the 8 day of April, 2011, a sworn Complaint was filed with the undersigned Secretary of the Oklahoma State Board of Medical Licensure and Supervision, State of Oklahoma, charging you with violations of the Medical Practice Act at 59 O.S. §509 (7), (8), (9), (12), (13), (16), (18) and (20), and OAC 435:10-7-4 (1), (2), (5), (6), (11), (19), (26), (27), (39), (41) and (49). A copy of the Complaint is attached hereto and made a part thereof.

On May 19, 2011, the Board will be in regular session at 9:00 o'clock a.m., at its offices located at 101 N.E. 51st Street, Oklahoma City, Oklahoma, at which time your Complaint will be considered by the Board, and a hearing will be held pursuant to the Oklahoma Administrative Procedures Act, 75 Okla. Stat. §309, *et seq.*, as amended.

If the Board decides, after considering all the testimony and evidence, that you are guilty as charged, your license to practice as a physician within the State of Oklahoma may be suspended or revoked or other disciplinary action may be taken by the Board as authorized by law, including the assessment of costs and attorney's fees for this action as provided by law.

Under the laws of the State of Oklahoma, you are required to file your written Answer under oath with the Secretary of the Board within twenty (20) days after the Citation is served upon you. Unless your Answer is so filed, you will be considered in default, and the Board may accept the allegations set forth in the complaint as true at the hearing of the complaint. If the charges are deemed sufficient by the Board, your license to practice as a physician in the State of Oklahoma may be suspended or revoked.

THEREFORE, you are cited to appear at the hearing. If you are not present in person, you may be present through your attorney.

DATED this 8 day of April,, 2011 at 8⁰⁰ o'clock.



GERALD C. ZUMWALT, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision



RETURN OF SERVICE BY AGENT

Received the attached and foregoing Citation and Scheduling Order in the investigation of Jonathon Webb, MD, at Oklahoma City, Oklahoma, on the 8 day of April, 2011, and on the 12 day of April, 2011, at 2:25 o'clock P.M. served it on the within named by delivering a copy to Jonathon Webb, MD

(Name of person served)

At (address):


Joncwebb@hotmail.com

Verified via cell phone that Dr. Webb Received the e-mail

Also mailed on 4-11-11

Served by: Stephen Webb

Subscribed and sworn to before me on this 12 day of April, 2011



ROBERTA R. RELYEA
Notary Public
State of Oklahoma
Commission # 01006037 Expires 06/22/13

Roberta R. Relyea
Notary Public

My Commission expires: _____

CASE NAME: Jonathon Webb, MD

CASE #: 10-12-4121

**IN AND BEFORE THE OKLAHOMA STATE BOARD
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STATE OF OKLAHOMA)
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LICENSE NO. 15988)
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Defendant.)

APR - 8 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 10-12-4121

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Jonathon C. Webb, M.D., Oklahoma license no. 15988 alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Jonathon C. Webb, M.D., holds Oklahoma license no. 15988 and practiced as a psychiatrist in Idabel, Oklahoma at the time of the events at issue.

SUBSTANCE ABUSE ALLEGATIONS

3. On or about September 14, 2010, employees at McCurtain Memorial Hospital in Idabel, Oklahoma became suspicious that Defendant might be impaired due to certain irregular behavior at work. Brit Messer, the CEO of McCurtain Memorial Hospital asked Defendant to submit to a drug test, which came back positive for Propoxyphene.

4. A review of the PMP revealed that Defendant had not been prescribed Propoxyphene. When questioned by the hospital's Medical Review Officer, Defendant admitted that he had taken some Darvocet prescribed to his wife. Defendant was immediately terminated by his employer.

5. On or about December 15, 2010, Board investigators interviewed Defendant, at which time he changed his story and said that the Darvocet he had taken had actually been prescribed to him by a doctor in Colorado. Defendant has been unable to submit any proof of a prescription for Darvocet from a physician in Colorado to him.

PRESCRIBING VIOLATIONS

6. On or about December 16, 2010, Board investigators learned that OBN was investigating Defendant for prescribing controlled dangerous substances to his wife in her maiden name to avoid detection. A review of pharmacy records revealed that from June 2, 2008 through February 8, 2010, Defendant wrote or authorized one-hundred six (106) prescriptions to his wife for Darvocet, Lorazepam, Clonazepam and Zolpidem, Schedule IV controlled dangerous substances, for **11,050 dosage units**. Defendant admits that he kept **no chart** on this patient, that he failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that he failed to obtain a full history of the patient, that he did not order appropriate tests, that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

7. When questioned by Board investigators as to why he wrote these prescriptions for controlled dangerous substances to his wife, he stated that he considered each of them to be "emergencies". However, over one-half (1/2) of the prescriptions written or authorized by Defendant to his wife were authorized for five (5) refills.

8. When questioned by Board investigators as to why he wrote these prescriptions in his wife's maiden name rather than her married name, he admitted that he did it to avoid scrutiny.

9. A review of pharmacy records reflects that during the time Defendant was prescribing controlled dangerous substances to his wife, she was obtaining these same medications from two (2) other physicians.

10. On or about January 25, 2011, Defendant entered into a **Stipulation and Agreed Order** with the Oklahoma State Bureau of Narcotics and Dangerous Drugs wherein he admitted that (a) he had distributed controlled dangerous substances to his spouse over several months on multiple occasions, thereby removing any reasonable claim that his actions were taken pursuant to an emergency; (b) he had failed to maintain a proper record of all controlled dangerous substances prescribed; and (c) he had prescribed controlled dangerous substances for less than a legitimate medical purpose and outside the normal practice. As a result of Defendant's admissions, his OBN permit was suspended for one-hundred twenty (120) days, he was placed on probation for five (5) years, and he paid an administrative fine in the amount of \$2,500.00.

11. Defendant is guilty of unprofessional conduct in that he:
- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).
 - B. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. § 509 (16) and OAC 435:10-7-4 (2) and (6).
 - C. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. § 509 (18) and OAC 435:10-7-4(41).
 - D. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
 - E. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).
 - F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
 - G. Confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. § 509 (7).
 - H. Committed any act which is a violation of the criminal laws of any state when such act is connected with the

physician's practice of medicine in violation of 59 O.S. § 509 (9).

- I. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of 59 O.S. § 509 (12).
- J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- K. Failed to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination in violation of 59 O.S. §509(20). Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained.
- L. Failed to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment in violation of OAC 435:10-7-4(49).
- M. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- N. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

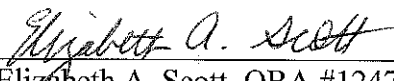
Conclusion

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and

any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 8th day of April, 2011 at 8:15 a.m.

Respectfully submitted,


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for the State of Oklahoma ex rel.
Oklahoma State Board of Medical
Licensure and Supervision

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JAN 12 2012

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Plaintiff,)

v.)

Case No. 10-12-4142

JONATHON C. WEBB, M.D.,)
LICENSE NO. 15988,)

Defendant.)

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Texas)
)
LAMAR County)

I, Jonathon C. Webb, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 15988.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint filed by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations I admit are true are as follows:
 - A. Defendant, Jonathon C. Webb, M.D., holds Oklahoma license no. 15988 and practiced as a psychiatrist in Idabel, Oklahoma at the time of the events at issue.

SUBSTANCE ABUSE ALLEGATIONS

B. On or about September 14, 2010, employees at McCurtain Memorial Hospital in Idabel, Oklahoma became suspicious that Defendant might be impaired due to certain irregular behavior at work. Brit Messer, the CEO of McCurtain Memorial Hospital asked Defendant to submit to a drug test, which came back positive for Propoxyphene.

C. A review of the PMP revealed that Defendant had not been prescribed Propoxyphene. When questioned by the hospital's Medical Review Officer, Defendant stated that he had taken some Darvocet prescribed to his wife. Defendant was immediately terminated by his employer.

D. On or about December 15, 2010, Board investigators interviewed Defendant, at which time he stated that the Darvocet he had taken had actually been prescribed to him by a doctor in Colorado. Defendant has been unable to submit any proof of a prescription for Darvocet from a physician in Colorado to him.

PRESCRIBING VIOLATIONS

E. On or about December 16, 2010, Board investigators learned that OBN was investigating Defendant for prescribing controlled dangerous substances to his wife in her maiden name to avoid detection. A review of pharmacy records revealed that from June 2, 2008 through February 8, 2010, Defendant wrote or authorized one-hundred six (106) prescriptions to his wife for Darvocet, Lorazepam, Clonazepam and Zolpidem, Schedule IV controlled dangerous substances, for **11,050 dosage units**. Defendant admits that he kept **no chart** on this patient, that he failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that he failed to obtain a full history of the patient, that he did not order appropriate tests, that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

F. When questioned by Board investigators as to why he wrote these prescriptions for controlled dangerous substances to his wife, he stated that he considered each of them to be "emergency". However, over one-half (1/2) of the prescriptions written or authorized by Defendant to his wife were authorized for five (5) refills.

G. When questioned by Board investigators as to why he wrote these prescriptions in his wife's maiden name rather than her married name, he admitted that he did it to avoid scrutiny.

H. A review of pharmacy records reflects that during the time Defendant was prescribing controlled dangerous substances to his wife, she was obtaining these same medications from two (2) other physicians without Defendant's knowledge.

I. On or about January 25, 2011, Defendant entered into a **Stipulation and Agreed Order** with the Oklahoma State Bureau of Narcotics and Dangerous Drugs wherein he admitted that (a) he had distributed controlled dangerous substances to his spouse over several months on multiple occasions, thereby removing any reasonable claim that his actions were taken pursuant to an emergency; (b) he had failed to maintain a proper record of all controlled dangerous substances prescribed; and (c) he had prescribed controlled dangerous substances for less than a legitimate medical purpose and outside the normal practice. As a result of Defendant's admissions, his OBN permit was suspended for one-hundred twenty (120) days, he was placed on probation for five (5) years, and he paid an administrative fine in the amount of \$2,500.00.

J. Defendant is guilty of unprofessional conduct in that he:

- i. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. § 509 (18) and OAC 435:10-7-4(41).
- ii. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
- iii. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- iv. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- v. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of 59 O.S. § 509 (12).
- vi. Failed to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment in violation of OAC 435:10-7-4(49)
- vii. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform

Controlled Dangerous Substances Act, for the physician's family member in violation of OAC 435:10-7-4(26).

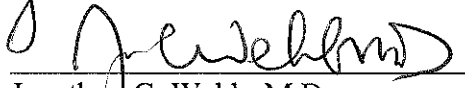
5. I believe that I am presently physically or mentally unable to practice medicine and surgery with reasonable skill and safety and wish to voluntarily retire from the practice at this time.

6. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

7. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

8. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

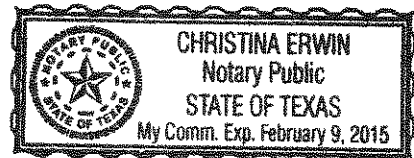
DATED this 10 day of January 2012.


Jonathon C. Webb, M.D.


Subscribed and sworn before me this 10 day of January, 2012.


Notary Public

My commission expires on 2-9-2015.



ACCEPTED:


Gerald C. Zumwalt, M.D.
Secretary
Oklahoma State Board of Medical
Licensure and Supervision

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JAN 12 2012

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MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)
JONATHON C. WEBB, M.D.,)
LICENSE NO. 15988)

Case No. 10-12-4142

Defendant.)

**ORDER ACCEPTING VOLUNTARY SURRENDER
OF LICENSE IN LIEU OF PROSECUTION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") *en banc* on the 12th day of January, 2012 at the Board office, 101 N.E. 51st Street, Oklahoma City, OK 73105, pursuant to notice given as required by law and rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision. The Defendant appeared not.

The Board *en banc* heard statements of counsel, reviewed the exhibits presented, and being fully apprised in the premises, finds that there is clear and convincing evidence of the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. Jonathan C. Webb, M.D., currently possesses Oklahoma medical license no. 15988.
2. Defendant Jonathan C. Webb, M.D., is the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision.
3. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

4. Pursuant to 59 O.S. §509(E), Defendant wishes to surrender his Oklahoma Medical License No. 15988 in lieu of prosecution.

5. The surrender of Oklahoma Medical License No. 15988 is freely and voluntarily made, and the Defendant has not been subject to duress or coercion.

6. The Defendant is fully aware of the consequences of the surrender of his license.

7. Defendant has plead guilty to the allegations constituting misconduct and acknowledges that the allegations, if proven, could constitute grounds for disciplinary action by the Board.

8. Defendant has submitted a sworn statement describing the misconduct to which he has plead guilty as required by 59 O.S. §509(E).

9. Defendant will surrender his wall certificate and wallet card upon the voluntary surrender of his license.

10. Defendant has agreed that he will not apply for reinstatement of his Oklahoma medical license for a minimum of one (1) year from the date of the entry of this order, and that if the Board ever reinstates his Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

Conclusions of Law

11. The Board has jurisdiction over the Defendant and the subject matter herein pursuant to 59 O.S. §480.

12. Pursuant to 59 O.S. §509(E), the Board has the authority to accept this surrender of license in lieu of prosecution.

13. The request of Defendant to surrender his license is appropriate under the circumstances of this case.

14. Clear and convincing evidence exists for the conditions of surrender of Oklahoma Medical License No. 15988.

Order


15. The voluntary surrender of license in lieu of prosecution submitted by Defendant is hereby accepted by the Board.

16. Oklahoma Medical License No. 15988 of the Defendant, Jonathan C. Webb, M.D., should be and is hereby surrendered as of the date of this order, January 12, 2012.

17. Pursuant to 59 O.S. §509.1(E)(4), the Defendant shall pay all reasonable costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expenses, witness fees and attorney's fees incurred with respect to this case.

18. Defendant shall not apply for reinstatement of his Oklahoma medical license for a minimum of one (1) year from the date of this Order Accepting Voluntary Surrender of License in Lieu of Prosecution, and if the Board ever reinstates Defendant's Oklahoma medical license, it shall be under terms of probation to be determined at the time of reinstatement.

DATED this 12 day of January, 2012.



J. Andy Sullivan, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 13 day of January, 2012, I mailed a true and correct copy of the Order Accepting Voluntary Surrender of License in Lieu of Prosecution to Linda Scoggins, Scoggins & Cross, PLLC, 201 Robert S. Kerr, Suite 710, Oklahoma City, OK 73102.



Janet Swindle